

JOURNAL OF THE HOUSE.

Thursday, October 5, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Message from the Acting Governor — Veto.

Scott
Lemay,
age
exemption.

A message from Her Honor the Lieutenant-Governor, Acting Governor, returning with her objections thereto in writing the engrossed Bill exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen [see House, No. 4118] (for message, see House, No. 5310) was filed in the Office of the Clerk on Wednesday, October 4.

The message was read; and, under House Rule 12, it was placed in the Orders of the Day for the next sitting, the question being on passing the bill, notwithstanding the said objections.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Raymond
Richards.

Resolutions (filed by Ms. Callahan of Sutton) congratulating Raymond "Ray" W. Richards upon his election as state commander of the Disabled American Veterans;

Robert S.
Cone.

Resolutions (filed by Mrs. Creedon of Brockton) commending Private Robert S. Cone;

David I.
Clifton.

Resolutions (filed by Mr. Kafka of Stoughton) honoring David I. Clifton for his thirty-eight years of service to the town of Sharon as Director of Recreation;

Sam
Hurvitz.

Resolutions (filed by Mr. Kafka of Stoughton) honoring Sam Hurvitz for his dedicated service to the congregants of Temple Israel;

James
Joseph
Rush.

Resolutions (filed by Mr. Rush of Boston and other members of the House) congratulating Chief James Joseph Rush upon his retirement from the Trail Court of Massachusetts;

Peter
Scanlon.

Resolutions (filed by Mr. Scaccia of Boston) congratulating Dr. Peter Scanlon's twenty years of service to the South Bay Mental Health Center; and

Character
Counts
Week.

Resolutions (filed by Mr. Sullivan of Fall River) celebrating "Character Counts Week";

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rush, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Petitions.

Petitions severally were presented and referred as follows:

By Mrs. Gomes of Harwich, petition (accompanied by bill, House, No. 5312) of Shirley Gomes and Robert O'Leary (by vote of the town) that the town of Chatham be authorized to grant additional two additional licenses for the sale of all alcoholic beverages to be drunk on the premises. To the committee on Consumer Protection and Professional Licensure.

Chatham,
alcoholic
beverages.

By the same member, petition (accompanied by bill, House, No. 5313) of Shirley Gomes and Robert A. O'Leary (by vote of the town) for legislation to authorize the board of selectmen of the town of Chatham to lease certain buildings. To the committee on Municipalities and Regional Government.

Chatham,
leases.

By the same member, petition (accompanied by bill, House, No. 5314) of Shirley Gomes and Robert A. O'Leary (by vote of the town) for legislation to impose a certain tax on the transfer of property in the town of Chatham to be used for expansion of the sewer system of said town. To the committee on Revenue.

Chatham,
transfer
tax.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill regulating health examinations for private school children (House, No. 3637) came from the Senate passed to be engrossed, in concurrence, with an amendment striking out all after the enacting clause and inserting in place thereof the following:

School
children,
health.

"SECTION 1. Section 57 of chapter 71 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by inserting after the first paragraph the following paragraph:—

Every private school shall be required to inform each parent or guardian of every enrolled pupil that the school is not required to conduct examinations under this section except at the individual request of a parent or guardian.

SECTION 2. This act take effect on July 1, 2007."

Under suspension of Rule 35, on motion of Mr. Speranzo of Pittsfield, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

The House Bill relative to data collection for government assisted housing in Massachusetts (House, No. 4978, amended) came from the Senate passed to be engrossed, in concurrence, with an amendment in section 1, in line 24, striking out the year "2006" and inserting in place thereof the year "2007".

Government
housing.

Under suspension of Rule 35, on motion of Mr. Smizik of Brookline, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Petitions were referred, in concurrence, under suspension of Joint Rule 12, as follows:

Petition (accompanied by bill, Senate, No. 2726) of Stephen M. Brewer, Edward M. Augustus, Jr. and George N. Peterson, Jr. for

Grafton,
land
conveyance.

legislation to amend the conveyance of a certain parcel of land in the town of Grafton; and

Belchertown,
land
conveyance.

Petition (accompanied by bill, Senate, No. 2727) of Stanley C. Rosenberg, Brian P. Lees, Stephen Kulik and Thomas M. Petrolati for legislation to authorize the Commissioner of Capital Asset Management and Maintenance to grant a certain easement in the town of Belchertown;

Severally to the committee on Bonding, Capital Expenditures and State Assets.

Reports of Committees.

Burlington,
elected
officials.

By Mr. Petrucci of Boston, for the committee on Election Laws, on a petition, a Bill relative to multiple office holding in the town of Burlington (House, No. 5140) [Local Approval Received]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Sullivan of Fall River, the bill was read a second time forthwith; and it was ordered to a third reading.

Defibrillator,
health clubs.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill requiring automatic external defibrillator devices in health clubs (Senate, No. 2681) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Smizik of Brookline, the bill was read a second time forthwith.

Pending the question on ordering the bill to a third reading, Mr. Koutoujian of Newton moved that it be amended by striking out sections 2, 3 and 4 (as changed by the Senate committee on Bills in the Third Reading) and inserting in place thereof the following four sections:

“SECTION 2. The definition of ‘Health club’ of said section 78 of said chapter 93, as so appearing, is hereby amended by adding the following paragraph:—

A health club shall have on the premises at least 1 AED and shall have in attendance during staffed business hours at least 1 employee or authorized volunteer as an AED provider as defined in section 12V½ of chapter 112.

SECTION 3. Section 86 of said chapter 93, as so appearing, is hereby amended by adding the following paragraph:—

Absent a showing of gross negligence or willful or wanton misconduct, no cause of action against a health club or its employees may arise in connection with the use or non-use of a defibrillator.

SECTION 4. Chapter 112 of the General Laws is hereby amended by striking out section 12V, as so appearing, and inserting in place thereof the following section:—

Section 12V. Any person, whose usual and regular duties do not include the provision of emergency medical care, and, who in good faith, attempts to render emergency care, including, but not limited to, cardiopulmonary resuscitation or defibrillation, and does so with-

out compensation shall not be liable for acts or omissions, other than gross negligence or willful or wanton misconduct, resulting from the attempt to render such emergency care.

SECTION 5. Health clubs must comply with this Act within one year of effective date.”.

The amendment was adopted; and the bill (Senate, No. 2681, amended) was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Senate Bill relative to Quincy College (Senate, No. 2523) be scheduled for consideration by the House.

Quincy,
Quincy
College.

Under suspension of Rule 7A, on motion of Ms. Provost of Somerville, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to the appointment of police officers in the town of Boxford (House, No. 5048) be scheduled for consideration by the House.

Boxford,
police
officers.

Under suspension of Rule 7A, on motion of Mr. Spellane of Worcester, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to referendum petition and procedures of town meeting in the town of Burlington (House, No. 5287) be scheduled for consideration by the House.

Burlington,
referendum
procedures.

Under suspension of Rule 7A, on motion of Ms. Wolf of Cambridge, the bill was read a second time forthwith; and it was ordered to a third reading.

Engrossed Bill.

The engrossed Bill designating a state highway in the town of Harwich as Route 28-Head of the Bay Road (see House, No. 4751, changed) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

Orders of the Day.

The Senate Bill relative to the Nantucket Housing Authority (Senate, No. 2103, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Exempting the position of deputy chief of the fire department of the city of Easthampton from the provisions of the civil service law (House, No. 4537);

Third
reading
bills.

Relative to the date for the installation of carbon monoxide alarms and smoke detectors in residential buildings (House, No. 5139); and

Designating in the towns of Arlington, Lexington, Lincoln and Concord a scenic byway to be known as "The Battle Road: The Road to Revolutions" (House, No. 5222) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. DiMasi of Boston,—

Next
sitting.

Ordered, That when the House adjourns today, it adjourn to meet on Tuesday next at eleven o'clock A.M.

At seventeen minutes before twelve o'clock noon, on motion of Ms. Balser of Newton (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Tuesday next at eleven o'clock A.M., in an Informal Session.